

JUN 02 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALSJUDICIAL COUNCIL
OF THE NINTH CIRCUITIN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 09-90192

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that the magistrate judge assigned to his civil case improperly denied his requests for a restraining order and that complainant be removed from a correctional facility. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge was biased against him on account of his race. But adverse rulings alone are not proof of bias. See In re Complaint of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. Jud. Council 2009). Because complainant hasn't provided any other objectively verifiable proof to support this allegation, it must be dismissed as lacking a factual foundation. 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); see In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant's allegations against defendants and their counsel must also be dismissed, because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4; In re Complaint of Judicial Misconduct, 569 F.3d at 1093.

DISMISSED.